

EXHIBIT 1

1 IN THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF
2 TEXAS, MARSHALL DIVISION

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4 PA ADVISORS, :

:

5 Plaintiff, : Civil Docket No.

:

6 vs. : 2:07-cv-00480-RRR

:

7 GOOGLE, INC., et al., :

:

8 Defendant. :

:

9 -----:

10 Washington, D.C.

11 Monday, December 28, 2009

12 The above-entitled matter came on for Pretrial
13 Conference, pursuant to Notice.

14 BEFORE: HONORABLE RANDALL R. RADER, Judge

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1 JUDGE RADER: In other words, you want it to
2 include that i;reflect the user's cultural, educational,
3 social backgrounds and psychological profile?

4 MR. VERHOEVEN: That's correct, Your Honor, and
5 I don't have the full briefing in front of me on this,
6 but -- and I also, unfortunately, don't have the patent
7 to look at right here, but my recollection is at the end
8 of the second independent claim, this is actually part of
9 the claim language.

10 Brian, can you help me out here?

11 JUDGE RADER: This is Claim 45?

12 MR. CANNON: Well, Claim 1 works, as well, for
13 this. So it's the --

14 JUDGE RADER: Claim 1 is in somewhat doubt
15 anyways. Claim 45 you may have trouble with. So let's
16 stick with 45.

17 MR. CANNON: Okay. Let's look at Claim 45.

18 JUDGE RADER: An overall linguistic pattern of
19 the user --

20 MR. CANNON: Right. So if you --

21 JUDGE RADER: -- substantially corresponding to.

22 MR. CANNON: So Claim 45 is -- is a multi-step

1 method claim for generating a user data profile which is
2 a user profile and Step K after -- after the completion
3 of this, you know, complex series of steps, Step K
4 requires that the computer system store the user profile
5 and it -- it be representative of an overall linguistic
6 pattern of the user, that overall linguistic pattern
7 substantially corresponding to the user's social,
8 cultural, educational, economic background and to the
9 user's psychological profile.

10 So that not only is it defined in the
11 specification, Your Honor, but in the actual claim, it
12 confirms that the pattern --

13 JUDGE RADER: Well, you're not going to have any
14 trouble then if it's in the claim, are you?

15 MR. CANNON: I'm in Claim 45, Subsection K.

16 JUDGE RADER: Yes, I see that, but, I mean,
17 you're not going to have any trouble because you've got
18 the language you need in the claim anyway, right, and you
19 know that this Court is going to enforce the language of
20 the claim very specifically?

21 MR. CANNON: Right. Because the Google system
22 does not have that.

1 JUDGE RADER: Well, that, of course, is a
2 question of --

3 MR. CANNON: That's right. We have to
4 demonstrate that to Your Honor.

5 JUDGE RADER: That's a question we'll have to
6 have proven, unless you can show it as a matter that is
7 not in contention. But it doesn't sound to me, Mr.
8 Cannon or Mr. Verhoeven, that you have any concerns with
9 the claim construction because the -- the construction
10 you wish the Court to enforce is already in the claim.

11 Am I correct?

12 MR. VERHOEVEN: Your Honor, this is Mr.
13 Verhoeven. We continue to believe that the construction
14 of the phrase "linguistic pattern" by itself was defined
15 in the patent and that the more accurate --

16 JUDGE RADER: If I enforce the claim which has
17 the same language, do you have a problem?

18 MR. VERHOEVEN: I'm sorry, Your Honor. I didn't
19 hear the first part of your sentence. I apologize.

20 JUDGE RADER: If I enforce the claim which has
21 the language in it you request, do you have any problem?

22 MR. VERHOEVEN: Yes, we would still like Your